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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,977	04/28/2005	Lily Ka-Lai Cheng	120270.129854	3081
28440 7590 07/24/2009 WARNER, NORCROSS & JUDD IN RE: ALTICOR INC. INTELLECTUAL PROPERTY GROUP 111 LYON STREET, N. W. STE 900 GRAND RAPIDS, MI 49503-2489				
EXAMINER				
TORRES RUZ, JOHALI ALEJANDRA				
ART UNIT		PAPER NUMBER		
2858				
MAIL DATE		DELIVERY MODE		
07/24/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/532,977

Applicant(s)

CHENG ET AL.

Examiner

JOHALI A. TORRES RUIZ

Art Unit

2858

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41, 57, 78-80 and 99-107 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41, 57, 78-80 and 99-107 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 3/9/2009.
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This office action has been issued in response to the amendment filed on March 9, 2009.
2. Claims 41, 57, 78-80 and 99-107 are pending.
3. Claims 1-40, 42-56, 58-77 and 81-98 have been cancelled by applicant.
4. Applicant's arguments have been carefully and respectfully considered.

Rejections have been maintained where arguments were not persuasive.

5. Also, new rejections based on the amended claims have been set forth. Accordingly, claims 41, 57, 78-80 and 99-107 are rejected, and this action is made FINAL, as necessitated by amendment.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 41, 57, 78-80, 99 and 103-107 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sabo et al. (U.S. Patent Number 6,803,744) and Matsuda et al. (U.S. Publication Number 2002/0018025).

9. Claims 41 and 78: Sabo teaches a primary unit (2, Fig.1), for use in a power transfer system that has a plurality of secondary devices (14 and 18, Fig.1), each said secondary device being separable from the primary unit and having a secondary coil (16 and 20) adapted to couple with an electromagnetic field generated by the primary unit, when the device is placed in a working disposition on or in proximity to a power transfer surface (4, Fig.1) of the primary unit, so that power is transferred inductively from the primary unit to the secondary device (Col.3, Lines 1-10), and the secondary devices differing from one another in device size (14 and 18, Fig.1); said primary unit being adapted to transfer power inductively to each said device and comprising: a field generator having a plurality of coils (6a, Fig.3) for generating said electromagnetic field over the power transfer surface (Col.3, Lines 38-43), and the field generator also having an activator adapted to sense the position of the secondary device (Col.5, Lines 4-9), the activator adapted to selectively activate one or more of said coils in response to the sensing result to provide at the power transfer surface, a power transfer area for transferring power inductively to the secondary device (Col.3, Lines 4-8).

Sabo does not explicitly teach the coils are nested and of varying size.

Matsuda teaches a plurality of nested coils of varying size (01a, 01b and 01v, Fig.1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have had the teachings of Matsuda in the device of Sabo to have controlled the electric current flowing through the coils independently (Par.48).

9. Claim 57: Sabo and Matsuda teach the limitations of claim 41 as discussed above. Sabo teaches one of the plurality of coils encloses an area parallel to said power transfer surface that is larger than an area parallel to said power transfer surface enclosed by the another of said plurality of coils (Col.5, Lines 34-40).

10. Claims 79-80: Sabo teaches a primary unit (2), for use in a power transfer system that has first (14) and second (18) secondary devices, each said secondary device being separable from the primary unit and having a secondary coil (16 and 20) adapted to couple with an electromagnetic field generated by the primary unit, when the secondary device is placed in a working disposition on or in proximity to a power transfer surface (4) of the primary unit, so that power is transferred inductively from the primary unit to the device (Col.3, Lines 1-10), and the first (14) and second (18) devices differing from one another in device size (Fig.1); said primary unit being adapted to transfer power inductively to each said device and comprising: a field generator having first and second coils (6a, Fig.4) for generating said electromagnetic field over the power transfer surface (Col.3, Lines 38-43), an activator adapted to sense the position of the secondary device and selectively activating (Col.3, Lines 1-8) said first and second coils to provide (Col.2, Lines 61-67), at the power transfer surface, a power

transfer area for transferring power inductively to the secondary device (Col.3, Lines 4-8).

Sabo does not explicitly teach said second coil differing from said first coil in size such that a power transfer area provided by the second coil, if activated independently of said first coil, differs in size or shape from a power transfer area provided by the first coil if activated independently of the second.

Matsuda teaches a plurality of nested coils of varying size (01a, 01b and 01v, Fig.1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have had the teachings of Matsuda in the device of Sabo to have controlled the electric current flowing through the coils independently (Par.48), if they are activated independently the power transfer area of the coils will be different.

11. Claims 99 and 103-107: Sabo and Matsuda teach the limitations of claims 41 and 78-80. Sabo does not explicitly teach the coils are nested and concentric.

Matsuda teaches a plurality of nested and concentric coils (01a, 01b and 01v, Fig.1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have had the teachings of Matsuda in the device of Sabo to have controlled the electric current flowing through the coils independently (Par.48).

12. Claims 100-102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sabo et al. (U.S. Patent Number 6,803,744) and Matsuda et al. (U.S. Publication

Number 2002/0018025) as applied to claim 78 above, and further in view of Mizutani et al. (U.S. Patent Number 6,756,697).

13. Claim 100: Sabo and Matsuda the limitations of claim 78 as discussed above. Sabo does not explicitly teach at least one of the portable devices bears an indication of a correct device position or rotation for placing the device in its said working disposition on or in proximity to the power transfer surface.

Mizutani teaches at least one of the portable devices (20) bears an indication (22) of a correct device position or rotation for placing the device in its said working disposition on or in proximity to the power transfer surface (Col.5, lines 1-6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have had the teachings of Mizutani in the combination of Sabo and Matsuda to have had positioned the device properly on the power transfer surface (Col.6, Lines 1-5).

14. Claim 101: Sabo, Matsuda and Mizutani teach the limitations of claim 100 as discussed above. Mizutani teaches the indication (19) comprises outlining of the coil (17a) area (Fig.4A-4B).

Mizutani does not explicitly teach the indication comprises a line or arrow.

Use of an indication comprising a line or arrow in lieu of an indication comprising outlining a coil used in the references solves no stated problem and would be an obvious matter of design choice within the skill of the art. In re Launder, 42 CCPA 886, 222 F.2d 371, 105 USPQ 446 (1955); Flour City Architectural Metals v. Alpana Aluminum Products, Inc., 454 F. 2d 98, 172 USPQ 341 (8th Cir. 1972); National

Connector Corp. v. Malco Manufacturing Co., 392 F.2d 766. 157 USPQ 401 (8th Cir.) cert. denied, 393 U.S. 923, 159 USPQ 799 (1968).

15. Claim 102: Sabo, Matsuda and Mizutani teach the limitations of claim 100 as discussed above. Mizutani teaches the indication (19) comprises outlining of the coil (17a) area (Fig.4A-4B).

Mizutani does not explicitly teach the indication is rendered by printing ink.

Use of an indication rendered by printing ink in lieu of an indication comprising outlining a coil used in the references solves no stated problem and would be an obvious matter of design choice within the skill of the art. In re Launder, 42 CCPA 886, 222 F.2d 371, 105 USPQ 446 (1955); Flour City Architectural Metals v. Alpana Aluminum Products, Inc., 454 F. 2d 98, 172 USPQ 341 (8th Cir. 1972); National Connector Corp. v. Malco Manufacturing Co., 392 F.2d 766. 157 USPQ 401 (8th Cir.) cert. denied, 393 U.S. 923, 159 USPQ 799 (1968).

One of ordinary skill in the art would have been able without undue experimentation to have had the indication rendered by printing ink to obtain the expected result of positioning the device properly on the power transfer surface.

Response to Arguments

16. Applicant's arguments with respect to claims 41, 57, 78-80 and 99-107 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHALI A. TORRES RUIZ whose telephone number is (571)270-1262. The examiner can normally be reached on M- F 9:30am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Assouad can be reached on (571) 272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Edward Tso/
Primary Examiner, Art Unit 2858